

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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GMA ACCESSORIES, INC.

**NOTICE OF MOTION TO DISMISS**

Plaintiff,

Civil Action No.: 07CV3219 (LTS)

- against -

EMINENT, INC., SAKS FIFTH AVENUE, INC.,  
INTERMIX, INC., WINK NYC, INC.,  
LISA KLINE, INC., GIRLSHOP, INC.,  
SHOWROOM SEVEN STUDIOS, INC.,  
JONATHAN SINGER, LEWIS TIERNEY and  
JONATHAN SOLNICKI,

Defendants.  
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**PLEASE TAKE NOTICE** upon the Declaration of Andrew T. Sweeney, dated November 13, 2007, and the exhibits annexed thereto, and the Memorandum of Law dated November 13, 2007, the undersigned hereby moves this Honorable Court, before Hon. Laura Taylor Swain, U.S.D.J., at 500 Pearl Street, New York, New York for an Order (1) pursuant to Rules 12(b)(6) and 9(b) dismissing the counterclaims of Saks Fifth Avenue, Inc., Intermix, Inc., Wink NYC, Inc., Lisa Kline, Inc., Jonathan Singer and Lewis Tierney; (2) dismissing their affirmative defense of "trademark misuse" pursuant to Rule 12(f); and for such other relief as this court deems just and proper.

Dated: New York, New York  
November 13, 2007

By:



Andrew T. Sweeney (AS - 0724)  
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